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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In accordance with our telephone conversation this morning, I am attaching a copy of the ExParte comments which will be formally filed tomorrow with the Commission's secretary.

*APX*

If there are any questions regarding this FAX, or if it was received incomplete, please call Joyce at (508) 771-8300. Thank you.

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of	)	
	)	
Technical Requirements to Enable Blocking	)	
of Video Programming Based on Program	)	ET Docket No. 97-206
Ratings	)	February 12, 1998
	)	
Implementation of Sections 551(c), (d) and	)	
(e) of the Telecommunications Act of 1996	)	

To: The Commission

**EX PARTE COMMENTS OF OKTV™ (Qur Kids TV)**

The Children's Television Consortium, doing business as OKTV™ (Qur Kids TV) is a non-profit, non-stock Delaware Corporation approved by the Internal Revenue Service as a 501(c)3 charitable organization with principal offices at 218 West Main Street, Hyannis, Massachusetts 02601.

OKTV™ has previously submitted Comments and Reply Comments in CS Docket No. 97-55 (the Industry Proposal for Rating Video Programming), Comments and Reply Comments in this proceeding (ET Docket No. 97-206) and an Ex Parte statement of January 23, 1998, filed with the Secretary. These filings are incorporated herein by reference.

**I. Introduction**

At meetings January 21 and 22, 1998 with members of the Commission staff (see the above referenced Ex Parte letter to the Commission Secretary) the undersigned was asked to identify points of agreement and disagreement between OKTV™ and TV receiver manufacturers, and whether the undersigned might meet with industry representatives to clarify issues. The industry group dealing with these matters, Television Data Systems Committee (EIA Committee R-4.3), next convenes on February 24 in Point Clear, Alabama. Unfortunately, the undersigned is otherwise committed. Because the Commission's Chairman has indicated an intention to resolve V-chip issues in early March, these Ex Parte comments have been prepared with copies mailed for possible comment to

the Chairman of EIA Committee R-4.3, Wayne Luplow of Zenith Electronics, 1000 N. Milwaukee Avenue, Glenview, Ill.

**II. The technical proposal of TV receiver manufacturers supports parental access to multiple rating services.**

EIA Standard 608 which covers data formats for transmitting closed caption and other codes over line 21, has now been extended by EIA standard 744 to transmit additional data to accommodate the ratings proposal of television distributors as revised September 10, 1997 (Parental Guidelines). OKTV™ in Comments in this Docket proposed a further minor extension to accommodate codes of up to seven services in addition to the three contemplated industry services.

In Appendix A of OKTV™ Comments in this Docket, OKTV™ describes proposed definitions of data formats to follow the 744 section of the data packet. EIA-744 describes a two character system which contains data of Parental Guidelines of US television distributors, Ratings of the Motion Picture Association of America (MPAA) and a possible system of the Canadian TV industry. Under EIA 608, up to 32 characters are allowed in a packet. Thus, utilizing the data formats elaborated in Appendix A, data for up to seven independent ratings services can be readily accommodated in addition to data for EIA-744.

Such an OKTV™ recommended extension will not perceptibly degrade receiver performance due to latency concerns, increase receiver costs, or delay implementation of the V-chip program. An extension to EIA 608-744 is necessary to provide opportunities for parents to have access to ratings advice alternative to the industry's, and to provide a level playing field in the marketplace among ratings services of both industry and independent providers. Of further essential importance, should TV distributors in the future wish to modify their rating system, this can be done in "a backward compatible" manner by using one of the extra data spaces recommended by OKTV™.

CEMA has asserted in Reply Comments, p. 4, "In addition, a requirement that additional ratings systems be added to EIA 608 would require significant redesign by manufacturers, increasing engineering and design costs and delaying the market introduction of V-chip equipped sets." This statement is contradicted on page 11 of these same Reply Comments, where CEMA states "In addition, these commenters emphasize that the design process for blocking technology cannot begin until the Commission has adopted final rules for both a rating system and the transmission requirements for such a rating system." This contradiction raises the question of how a redesign can be required when the

design has not yet begun. Modifying EIA608 to accommodate both EIA744 and OKTV's™ recommended extension will add no more cost and delay than required to accommodate EIA608/744 or whatever final technical specifications the Commission adopts.

CEMA has further asserted, page 5 of its Reply Comments, that "The Commission must therefore ensure that whatever rating system it adopts will remain constant into the foreseeable future." This is not correct. The technical system, or communications platform, should remain constant, but not ratings systems transmitted thereon. Much confusion in the discourse of this Docket results from a failure to distinguish between the required technical transmission platform versus ratings systems or services to be transmitted thereon.

Phillips in Reply Comments at page 5 "agrees with commenters who advise that the Commission encourage but not mandate the development of multiple ratings systems," but should not "attempt to pick winners and losers among the various competitive ratings services." OKTV™ of course agrees with this market approach, while noting that to encourage multiple rating services the Commission must specify technical requirements for an open communication platform for transmitting multiple ratings services over line 21. Otherwise, competing ratings systems will not be able to deliver their services on a "level playing field".

**III. Reply comments of receiver manufacturers have not challenged the technical proposal made in OKTV™ comments of November 24, 1997, but have obscured the issues in various ways.**

**A. Manufacturers reply comments have denigrated the complex multiple ratings approach of Collings et al, but have not acknowledged that manufacturers' objections to the Colling's approach do not apply to the OKTV™ approach.**

Industry objections to multiple services are directed to the more complex and costly downloading features of the Collings approach, as well as to the irrelevance of the Collings proposal to the Congressional purposes and mandate as expressed in Section 551 of the Telecommunication Act of 1996. See in particular Phillips' Reply Comments at pp. 11-13, and OKTV™ Reply Comments at p. 15.

However, OKTV's™ recommendation is totally different. No commenter has attacked OKTV's™ technical proposal. No commenter can logically do so because OKTV's™ proposed technical platform is the essence of simplicity.

**B. Manufacturers erroneously claim that the Commission has a mandate to provide parents with access only to one service, the industry's.**

Congress in Section 551 does not require the Commission to mandate any rating system, only to determine if the industry proposal is "acceptable", presumably according to criteria to be adopted by the Commission. OKTV™ has not asked the Commission to mandate multiple ratings, as manufacturers have suggested, but only to specify technical requirements for an open communication platform so that parents can have access to independent rating services as well as industry services. Indeed, OKTV™ has argued that because the industry's proposed ratings services are weak in terms of child protection, the Commission cannot find the industry proposal acceptable unless it simultaneously provides opportunities for parents to have access to alternatives. To do less would not adequately empower parents to protect their children as Congress intended in Section 551.

**C. The industry assertion that providing parents with a simple choice of services would lead to "parental frustration with, and wholesale rejection of, blocking technology," is a red herring.**

In the multiple ratings approach advocated by OKTV™, once parents choose a service through their remote control, the receiver would be set, requiring no further parental attention unless parents later decide to choose a different rating service. In suggesting that such a simple choice would overwhelm parents, CEMA may have had in mind not the OKTV™ approach, but some of the more complex proposals before the Commission. But the effect of such comments is to obscure the technical practicality and simplicity of the OKTV™ system, and the validity of the Commission's proposed technical requirements to support multiple ratings.

Manufacturers have cited a Canadian study by the Action Group on Violence and Television as evidence that making multiple ratings services available to parents is too confusing and would undermine the entire purpose of V-chip technology. In rebuttal, one might note that the study was sponsored by the industry, posed leading questions suggestive of the industry's desired conclusion, and did not offer a comparative option as technically simple as the OKTV™ approach.

**IV. While eschewing design details, the Commission must require a few minimum functionalities for the viewer interface.**

**A. Clearly if parents are to have access to multiple ratings, simple means must be made available for them to do so. And parents should have the**

**ability to over-ride the blocking function of any ratings service at any time.**

**B. Manufacturers' objections to a requirement to provide on-screen rating information which is available continuously on line 21 are unsupported technically or economically, and fly in the face of Congress' intent articulated in Section 551 that parents be provided "with timely information" about program content which they believe will be harmful to their children.**

NAB et al, OKTV™ and others have asked that the Commission's rules require such a minimum functionality in the viewer interface. There is of course no need for receivers to reproduce the icons which TV distributors place "in video" during the first 15 seconds of a program. A minimum functionality could be met by a single number or letter, with more elaborate presentations, such as bar charts, icons, or alpha-numeric descriptions, included only at the option of the manufacturer in response to competition.

## **V. Conclusion**

For the reasons set forth above and in prior filings, the commission's rules should require an open ratings communication platform as provided by EIA standards 608 and 744 with the modest extension proposed by OKTV™. As proposed in the NPRM, such technical requirements will empower parents by giving them access to a child protective, ratings service of their choice.

Respectfully submitted,



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February 12, 1998



Our Kids TV™

February 12, 1998

Mr. Wayne Luplow  
Zenith Electronics  
1000 N. Milwaukee Avenue  
Glenville, Ill.

Dear Mr. Luplow:

As noted in Section 1 introduction of Ex Parte Comments by OKTV™ which will be filed tomorrow Docket ET 97-206, I am enclosing a copy of these comments with a view to their possible consideration at the R-4.3 Committee meeting, February 24 in Point Clear, Alabama.

If you have questions, or would like to discuss the attached, I can be reached next week by phone or fax at the below noted numbers.

Sincerely,